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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

APPLE, INC., a California corporation,)	Case No.: 12-CV-00630-LHK
)	
Plaintiff,)	ORDER GRANTING APPLE'S
v.)	MOTION FOR LEAVE TO FILE
)	MOTION FOR RECONSIDERATION,
SAMSUNG ELECTRONICS CO., LTD., a)	GRANTING SAMSUNG'S
Korean corporation; SAMSUNG)	ADMINISTRATIVE MOTION TO
ELECTRONICS AMERICA, INC., a New York)	SEAL, AND DENYING AS MOOT
corporation; and SAMSUNG)	APPLE'S MOTION FOR STAY
TELECOMMUNICATIONS AMERICA, LLC,)	
a Delaware limited liability company,)	
)	
Defendants.)	
)	

On November 20, 2014, the Court issued an order granting in part and denying part

administrative motions to seal in connection with the parties' high-priority objections ("HPOs")

during the March through May 2014 trial (ECF Nos. 1593, 1637, 1638, 1666, 1672, 1673, 1688,

1709, 1710, 1711, 1726, 1727, 1728, 1740, 1741, 1742). *See* ECF No. 2064. In that order, the

Court denied with prejudice Samsung's administrative motion to seal ECF No. 1726-9, Excerpts of

Expert Report of Schonfeld, because "Apple informed the Court that Samsung would file a version

of this document with specific proposed redactions, but such a version was not filed." *Id.* at 5.

On December 18, 2014, Apple filed a Motion for Leave to File a Motion for

Reconsideration, alerting the Court that although Apple had served Samsung with a highlighted

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Case No.: 5:12-CV-00630-LHK
ORDER GRANTING APPLE'S MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION,
GRANTING SAMSUNG'S ADMINISTRATIVE MOTION TO SEAL, AND DENYING AS MOOT APPLE'S
MOTION FOR STAY

version of ECF No. 1726-9 soon after the initial filing, Samsung failed to file the conformed copy with its sealing motion. ECF No. 2105 at 2. Apple had also filed a declaration supporting sealing the highlighted portions of ECF No. 1726-9. ECF No. 1768 ¶¶ 5-6. Apple has attached the highlighted version of ECF No. 1726-9 to the instant motion for leave. ECF No. 2105-4. In reviewing this document, the Court agrees with Apple that the document contains confidential source code.

Pursuant to Civil Local Rule 7-9(b)(2), the Court finds that Apple has sufficiently shown the "emergence of new material facts" warranting reconsideration of the Court's prior order. As a result, the Court GRANTS Apple's Motion for Leave to File a Motion for Reconsideration.

Rather than having the parties file a renewed sealing motion, the Court proceeds to reconsider Samsung's original motion to seal ECF No. 1726-9. According to the standards set forth in *Kamakana v City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006), *In re Electronic Arts, Inc.*, 298 F. App'x 568, 569 (9th Cir. 2008), and *Apple, Inc. v. Samsung Elecs. Co.*, 727 F.3d 1214, 1228-29 (Fed. Cir. 2013), the Court reviews the request to seal ECF No. 1726-9 under the "compelling reasons" standard.

With this standard in mind, the Court rules as follows:

Motion	**ECF No.**	**Document**	**Ruling**
1726	1726-9	Highlighted Proposed Redactions to Expert Report of Schonfeld, filed with highlighting as ECF No. 2105-4	GRANTED.

In light of this ruling, the Court DENIES as moot Apple's Motion for Stay. ECF No. 2106.

IT IS SO ORDERED.

Dated: December 19, 2014

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LUCY H. KOH
United States District Judge

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